THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 1445 OF 1999

DATED: 05-07-2006

BETWEEN:

Vankayalapati Subbaiah,
S/o. Pitchaiah

… Petitioner

And

The Government of India,
Rep.by its Secretary,
Ministry of Home Affairs,
New Delhi. …

Respondent

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 1445 OF 1999

ORDER:

The writ petition has been filed seeking a writ of Mandamus directing the first respondent to consider the petitioner's application received by him on 09-01-1998 for sanction of Freedom Fighters Pension on par with the similar persons.

Heard the learned counsel for the petitioner and learned Government Pleader for the respondent and perused the material available on record.

It is stated that the petitioner applied for grant of Freedom Fighters Pension under the scheme provided by the Government and the application was forwarded to the respondent on 27-11-1997 and the respondent received the same on 09-01-1998, but the same has not been considered and disposed of so far by the respondents.

The petitioner has not filed any scrap of paper with regard to his

contention that he was a freedom fighter and his application was forwarded on 27-12-1997. In the absence of any material particulars, I am of the opinion that though no counter has been filed, it may not be just and proper to assume or presume that such an application has been forwarded and the same has been received by the respondent on 09-01-1998 and first respondent has not been considering his request.

Writ petition is accordingly dismissed with a liberty to the petitioner to file a fresh writ petition by enclosing all necessary documents. No order as to costs.

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V. ESWARAIAH, J.

Dated: 05-07-2006
RNS